

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 774 (Delegate Robinson, *et al.*)  
Health and Government Operations

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**Establishment of the Provider Advocacy Group for Providers of Services to  
Individuals with Developmental Disabilities**

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This bill establishes a provider advocacy group to assist licensed providers of developmental disabilities services that are cited for deficiencies. The bill sets out a process for selecting members and electing officers for the provider advocacy group. The provider advocacy group has to review each deficiency cited and assist the licensee in developing and implementing a corrective action plan. A hearing for suspension or revocation of a license has to be conducted if the provider advocacy group determines that • the deficiency is life threatening to consumers and staff; • the deficiency presents a safety issue that cannot be corrected; • the licensee is not receptive to provider group assistance; or • provider advocacy group assistance cannot resolve the deficiency. Provider advocacy group members may not receive compensation but are entitled to reimbursement for travel expenses.

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**Fiscal Summary**

**State Effect:** Any expense reimbursements for group members are assumed to be minimal and absorbable with existing resources. The Department of Health and Mental Hygiene should be able to provide staff with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** During an annual inspection of a licensed provider facility, the Developmental Disabilities Administration has to bring any deficiencies to the attention of the executive officer of the licensee or, in the case of an intermediate care facility-mental retardation, the State Planning Council and the State-designated protection and advocacy agency.

DDA, in conjunction with the Office of Health Care Quality, has to adopt regulations that establish a system of prioritization to respond to and investigate serious reportable incidents in the areas of abuse, neglect, serious injury, and medication errors that threaten the health, safety, and well-being of individuals receiving services. DDA has to seek input from individuals with disabilities and their families, licensees, and advocacy organizations in developing the regulations. The regulations have to define and address procedures, protocols, and timelines regarding serious reportable incident investigations and reports.

DDA has to deny a license to any applicant or suspend or revoke a license if the applicant or licensee fails to comply with applicable laws, rules, or regulations. Before DDA takes any action, it has to give the licensee notice and an opportunity for a hearing.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of Administrative Hearings, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 29, 2008  
mam/ljm

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